

**SCHOHARIE COUNTY BOARD OF SUPERVISORS**  
**8th Special Board Meeting**  
**July 22, 2015**

Chairman Lape called the meeting to order at 5:00 p.m.

Roll Call: Thirteen supervisors were present; Excused: Mr. Jordan, Mr. Skowfoe and Mr. VanWormer excused. County Attorney West present.

Salute to the flag was done and the invocation was given by Dan Crandell.

Mr. Buzon - there was a meeting this morning with the Flood Committee members, Chairman Lape, Harold Vroman, Hubbell Construction, Rifenburg Construction, AECOM, NRCS, Assemblyman Lopez, Duncan Davie, Steve Bulgar, Dan Crandell and Doug VanDeusen. NRCS explained why they are continuing to hold the reimbursements. AECOM reviewed what they have done. Mr. Crandell and Mr. VanDeusen gave an overview of the County's position. Assemblyman Lopez asked NRCS why there was no notification given prior to the suspension. NRCS stated they did, it was always verbal though. AECOM has submitted everything but NRCS has not reviewed it yet and seemed like it could be three weeks. Why did it take until May when the work was done in December? Friday the contractor will walk off the job if they do not receive any compensation. A lawsuit was not mentioned.

Chairman Lape - there is \$2.9 million left in the bond but the contractors are owed \$3.1 million.

Mr. Crandell - we discussed paying half now and half later. We should pay whole pay apps up to \$1.9 million.

Mr. Skowfoe arrives at 5:09 pm.

Mr. Milone - NRCS is holding the county hostage. If we expend \$1.5 million from the bond, we will reach a point where more money is necessary.

County Attorney West - if they receive money, the hope is it will keep this moving forward to the end of the project. We are responsible to the contractors.

Mr. Milone - if the contractors walk off, it's NRCS's posture.

Mr. Crandell - NRCS letter dated June 22nd, AECOM responded within a week. NRCS had one thing to check before lifting.

Ms. Manko - has Bill Cherry been involved in this conversation?

Chairman Lape - he brought this forward last week. His recommendation was to not pay the contractors.

Mr. VanGlad - if they walk, it will cost \$250,000 for mobilization which won't be reimbursable by NRCS.

Motion #288 by Mr. Buzon, seconded by Mr. Vroman, to use some of the balance of the bond to provide payment to the contractors, Hubbell and Rifenburg only, for pay apps that are now in submission to NRCS. Oldest pay app first, paying 50% but not to exceed \$1.9 million.

Mr. Federice - is there any assurance they won't walk anyway?

Mr. VanDeusen - the pay apps submitted to NRCS are for work performed between March and May 2015. There are new pay apps that need to be submitted for approximately \$1.4 million and we expect additional pay apps to come in at the end of this month.

Mr. Buzon - the \$650,000 request for additional funds is still being processed. DASNY has not received information they requested from DEC. The legislators were going to follow up on this. I feel that part of the problem is that NRCS is understaffed.

Mr. Skowfoe - we shouldn't pay the contractors without the guarantee they will continue.

Mr. Bradt - did the contractors agree to a specific dollar amount this morning?

Mr. Buzon - I felt they will stay if they receive money.

Mr. W. Smith - the contractors can't continue to absorb these costs. It will cost more money if they leave and have to come back.

Mr. Buzon and Mr. Vroman amended motion #288 to include: Pending County Attorney and DPW Commissioner contact contractors to continue to completion.

Roll call: Yes - 2155; No - 486, Milone, Skowfoe and S. Smith; Excused - 333, Jordan and VanWormer. Carried.

Motion #289 by Mr. Buzon, seconded by Ms. Bleau, to adjourn at 5:35 pm. Excused: Jordan and VanWormer. Carried.